

SIIA's Short Comment Regarding a Proposed Exemption For Security Research Under 17 U.S.C. 1201

Item 1. Commenter Information

The Software & Information Industry Association (SIIA) is the principal trade association for the software and digital information industries. The more than 700 software companies, data and analytics firms, information service companies, and digital publishers that make up SIIA's membership serve nearly every segment of society, including business, education, government, healthcare and consumers. As leaders in the global market for software and information products and services, they are drivers of innovation and economic strength—software alone contributes \$425 billion to the U.S. economy and directly employs 2.5 million workers and supports millions of other jobs.

Item 2. Proposed Class Addressed

Proposed Class 25: Software – Security Research

Item 3. Statement Regarding Proposed Exemption

The exemption proposed by Class 25 is both unnecessary and inappropriate. The concerns raised by comments relating to this class were considered by Congress when it enacted the DMCA. In response to these concerns, Congress carved out exceptions to the section 1201 anti-circumvention prohibition for security testing (section 1201(j)), reverse engineering (section 1201(f)), and encryption research (section 1201(g)). These statutory exceptions are narrowly crafted and well balanced because they were the result of extensive negotiations, debates, and consultations between the interested parties and various officials in the executive and legislative branches of the government. To the extent the concerns raised here are legitimate and were not previously raised when these exceptions were first enacted, it is for Congress, not the Copyright Office, to determine whether any or all of these three statutory exceptions should be modified. The Copyright Office should not create any exemption through this rulemaking process that might alter the delicately balanced exceptions for security testing, reverse engineering, and encryption research found in the law. Therefore, it is SIIA's position that it is unnecessary and inappropriate for the Copyright Office to create an exemption for encryption research, security testing or reverse engineering in this triennial rulemaking process.